

# CALFRESH (CF) PROGRAM

## REQUEST FOR POLICY/REGULATION INTERPRETATION

**INSTRUCTIONS:** Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: <input type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input checked="" type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 10/22/2012	NEED RESPONSE BY: 10/31/12
2. REQUESTOR NAME:	6. COUNTY/ORGANIZATION: Los Angeles	
3. PHONE NO.:	7. SUBJECT: Homeless Shelter Deduction	
4. REGULATION CITE(S): MPP 63-502.35	8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> <b>NOTE: All requests must have a regulation cite(s) and/or a reference(s).</b>	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

I heard a case in Los Angeles County where the claimant is asking for the homeless shelter deduction in the computation of her CalFresh benefits. The claimant is homeless and has been living in her car. She is arguing that the car is her shelter and she incurs expenses for automobile registration, insurance, gasoline, etc. She argues that she must register the car and must purchase gasoline and insurance because she parks on public streets and she has to move the car every 72 hours to keep the vehicle from being impounded. She also argues that homeless people have a constitutional right to sleep in their cars. CalFresh regulations say that the homeless shelter deduction is allowed for a homeless household that incurs a shelter expense. Can the above expenses for maintaining her automobile count as a shelter expense since she is using her car as shelter?

10. REQUESTOR'S PROPOSED ANSWER:

I don't have an opinion about this issue. I just want to know state policy.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Yes an individual may claim the homeless shelter deduction if living in their car.

Per MPP 63-102(h)(2) a "Homeless individual" means an individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is: (D) A place not designed for, nor ordinarily used, as a regular sleeping accommodation for human beings (e.g. a hallway, a bus station, a lobby or similar places). An individual's car meets this definition.

Per MPP 63-502.353: All homeless households which incur, or reasonably expect to incur, shelter costs during a month shall be eligible to use the homeless shelter deduction without providing verification of the shelter costs.

### FOR CDSS USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY/ALJ:
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